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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/658,836	08/21/2003	Rolf E. Carlson	IGAM.003CP1	3025

20995 7590 08/14/2006

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EXAMINER

HOFFMAN, BRANDON S

ART UNIT	PAPER NUMBER
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2136

DATE MAILED: 08/14/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	<b>Application No.</b>	<b>Applicant(s)</b>	
	10/658,836	CARLSON ET AL.	
	<b>Examiner</b>	<b>Art Unit</b>	
	Brandon S. Hoffman	2136	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

#### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

- 1) ☐ Responsive to communication(s) filed on \_\_\_\_.
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

- 4) ☒ Claim(s) 29-165 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 29-165 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 21 August 2003 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)                        | 4) <input type="checkbox"/> Interview Summary (PTO-413)                     |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)               | Paper No(s)/Mail Date. ____.  |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| Paper No(s)/Mail Date <u>11-21-03</u> .  | 6) <input type="checkbox"/> Other: ____.                                    |

## **DETAILED ACTION**

### ***Information Disclosure Statement***

1. The information disclosure statement (IDS) submitted on November 19, 2003, is in compliance with the provisions of 37 CFR 1.97. Accordingly, the information disclosure statement is being considered by the examiner.

### ***Claim Rejections - 35 USC § 112***

2. The following is a quotation of the first paragraph of 35 U.S.C. 112:

The specification shall contain a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the same and shall set forth the best mode contemplated by the inventor of carrying out his invention.

3. Claims 29-165 are rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the written description requirement. The claim(s) contains subject matter which was not described in the specification in such a way as to reasonably convey to one skilled in the relevant art that the inventor(s), at the time the application was filed, had possession of the claimed invention. Nowhere in the specification or the drawings is support for authenticating an identity of a first gaming device, as claimed in the independent claims.

### ***Claim Rejections - 35 USC § 103***

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

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(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

5. Claims 29-165 are rejected under 35 U.S.C. 103(a) as being unpatentable over Wells et al. (U.S. Patent No. 6,123,456) in view of Alcorn et al. (U.S. Patent No. 6,321,654).

Regarding claims 29, 56, 80, 93, 101-103, 105, 112, 131, 151, and 165, Wells et al. teaches [in a software authorization agent/first gaming device], a [method/device/agent] for [generating a gaming software transaction record used to facilitate/regulating/providing gaming software transaction information/requesting] a transfer of gaming software between two gaming devices, the [method/device/agent] comprising:

- Receiving a gaming software transaction request from a first gaming device;
- Authenticating an identity of the first gaming device (col. 3, lines 48-60);
- Wherein the gaming software is for at least one of:
  - A game of chance played on a gaming machine, a bonus game of chance played on a gaming machine, a device driver for a device installed on a gaming machine, a player tracking service on a gaming machine, and an operating system installed on the gaming machine (col. 8, lines 5-11).

Wells et al. does not teach generating a gaming software transaction record comprising gaming software transaction information that is used to approve or reject the transfer of gaming software from a second gaming device to the first gaming device.

Alcorn et al. teaches generating a gaming software transaction record comprising gaming software transaction information that is used to approve or reject the transfer of gaming software from a second gaming device to the first gaming device (col. 3, lines 13-20 and 34-57).

It would have been obvious to one of ordinary skill in the art, at the time the invention was made, to combine generating a gaming software transaction record comprising gaming software transaction information that is used to approve or reject the transfer of gaming software from a second gaming device to the first gaming device, as taught by Alcorn et al., with the method of Wells et al. It would have been obvious for such modifications because transaction records for gaming software can detect tampering (see col. 3, lines 22-33 of Alcorn et al.).

Regarding claims 30, 58, 100, 121, 144, and 161, Wells et al. as modified by Alcorn et al. teaches wherein the game of chance is a video slot game, a mechanical slot game, a lottery game, a video poker game, a video black jack game, a video lottery game, and a video pachinko game (see col. 8, lines 5-11 of Wells et al.).

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Regarding claims 31, 57, 66-68, 106, 107, 123, 124-126, 140-143, and 157-160, Wells et al. as modified by Alcorn et al. teaches wherein the first gaming device is at least one of a gaming machine, game server, and combinations thereof (see col. 4, lines 10-12 of Wells et al.).

Regarding claims 32, 96, and 117, Wells et al. as modified by Alcorn et al. teaches wherein the gaming software transaction request comprises access information and gaming software identification information (see col. 3, lines 48-60 of Wells et al. and col. 3, lines 13-20 and col. 4, lines 45-48 of Alcorn et al.).

Regarding claims 33, 97, and 118, Wells et al. as modified by Alcorn et al. teaches wherein the access information is one or more of operator identification information for the first gaming device, machine identification information for the first gaming device, operator identification information for the second gaming device and machine identification information for the second gaming device (see col. 3, lines 53-55 of Wells et al.).

Regarding claims 34, 98, and 119, Wells et al. as modified by Alcorn et al. teaches wherein the gaming software identification information is one or more of a gaming software title, a gaming software provider identifier, a gaming software version number, and a gaming software identification number (see col. 8, lines 5-11 and 44-51 of Wells et al.).

Regarding claims 35, 37, and 60, Wells et al. as modified by Alcorn et al. teaches further comprising comparing [access/software identification] information in the gaming software transaction request with [access/software identification] information stored in a database (see col. 3, lines 48-60 of Wells et al. and col. 3, lines 13-20 and col. 4, lines 45-48 of Alcorn et al.).

Regarding claims 36, 38, 61, 113, and 114, Wells et al. as modified by Alcorn et al. teaches when the compared [access/software identification] information does not match the access information stored in the database, denying the gaming software transaction request (see col. 3, lines 48-60 of Wells et al. and col. 3, lines 13-20 and col. 4, lines 45-48 of Alcorn et al.).

Regarding claims 39 and 40, Wells et al. as modified by Alcorn et al. teaches further comprising:

- Generating an identification sequence;
- Encrypting the identification sequence with a public encryption key for the first gaming device;
- Wherein information encrypted with the public encryption key is decrypted with a private encryption key used by the first gaming device; and
- Sending the encrypted identification sequence to the first gaming device,
- Wherein the identification sequence is a symmetric encryption key used to encrypt gaming software transferred between the first gaming device and the

second gaming device (see col. 3, lines 48-67 and col. 10, lines 18-28 of Wells et al. and col. 2, lines 42-65 of Alcorn et al.).

Regarding claims 41 and 42, Wells et al. as modified by Alcorn et al. teaches further comprising:

- Receiving from the first gaming device a second identification sequence encrypted with a public encryption key used by the software authorization agent;
- Decrypting the second identification sequence with a private encryption key corresponding to the public encryption key used by the software authorization agent;
- Comparing the second identification sequence to the identification sequence sent to the first gaming device to authenticate the identity of the first gaming device,
- Wherein the second identification sequence is a symmetric encryption key used to transfer gaming software between the first gaming device and the second gaming device (see col. 3, lines 48-67 and col. 10, lines 18-28 of Wells et al. and col. 2, lines 42-65 of Alcorn et al.).

Regarding claim 43, Wells et al. as modified by Alcorn et al. teaches when the second identification sequence received from the first gaming device does not match the identification sequence sent to the first gaming device, denying the gaming software transaction request (see col. 3, lines 48-60 of Wells et al. and col. 3, lines 13-20 and col. 4, lines 45-48 of Alcorn et al.).



Regarding claims 44, 59, and 84, Wells et al. as modified by Alcorn et al. teaches wherein the gaming transaction information is one or more of a transaction encryption key, a transaction number, a time stamp, a transaction expiration time, a destination identifier, a machine identification number, a gaming software identification number, a gaming software provider identifier, a number of allowable downloads, and combinations thereof (see col. 3, lines 53-55 of Wells et al.).

Regarding claims 45, 92, and 137-139, Wells et al. as modified by Alcorn et al. teaches further comprising storing the gaming transaction record information to a transaction database, wherein the information is a digital signature, a title, a manufacturer, an identification number, and combinations thereof (see col. 10, lines 19-23 of Wells et al.).

Regarding claim 46, Wells et al. as modified by Alcorn et al. teaches further comprising sending gaming software transaction information to the first gaming device (see col. 9, line 66 through col. 10, line 5 of Wells et al.).

Regarding claims 47, 99, 120, and 133, Wells et al. as modified by Alcorn et al. teaches wherein the gaming software transaction information is one or more of a transaction encryption key, a public encryption key used by the second gaming device, a transaction number, a time stamp, a transaction expiration time, a destination identifier, a destination machine identification number, a gaming software identification

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number, a gaming software provider identifier, a number of allowable downloads, and combinations thereof (see col. 3, lines 53-55 of Wells et al.).

Regarding claim 48, Wells et al. as modified by Alcorn et al. teaches further comprising sending a notification message to a gaming software provider identified in the gaming software request of a pending gaming software download request (see col. 8, lines 36-51 of Wells et al.).

Regarding claims 49, 69, 94, 115, 145, and 155, Wells et al. as modified by Alcorn et al. teaches wherein the software authorization agent communicates with the first gaming device using a local area network, a wide area network, a private network, a virtual private network, the Internet, and combinations thereof (see col. 12, lines 52-59 of Wells et al.).

Regarding claims 50, 70, 95, 116, 146, and 156, Wells et al. as modified by Alcorn et al. teaches wherein the software authorization agent and the first gaming device communicate with another using at least one of a satellite communication connection, a RF communication connection, and an infrared communication connection (see col. 12, lines 52-59 of Wells et al.).

Regarding claims 51, 75, 108, 127, and 147, Wells et al. as modified by Alcorn et al. teaches wherein the transfer of gaming software is performed at least one of manually and electronically (see col. 4, lines 1-7 of Wells et al.).

Regarding claims 52, 76, 109, 128, 148, and 162, Wells et al. as modified by Alcorn et al. teaches wherein the gaming software comprises one or more gaming software components for the game of chance, the bonus game of chance, the device driver, the player tracking service, and the operating system (see col. 8, lines 5-11 of Wells et al.).

Regarding claims 53, 77, 110, 129, 149, and 163, Wells et al. as modified by Alcorn et al. teaches wherein the gaming software is used to upgrade a gaming software component on the first gaming device (see col. 4, lines 1-7 of Wells et al.).

Regarding claims 54, 78, 111, 130, 150, and 164, Wells et al. as modified by Alcorn et al. teaches wherein the gaming software is used to correct an error in a gaming software component on the second gaming device (see col. 12, lines 10-16 of Wells et al.).

Regarding claims 55, 79, and 91, Wells et al. as modified by Alcorn et al. teaches further comprising requesting a list of gaming software installed on a gaming device (see col. 8, lines 5-11 of Wells et al.).

Regarding claim 62, Wells et al. as modified by Alcorn et al. teaches further comprising decrypting the download request message (see col. 10, lines 24-26 of Wells et al.).

Regarding claim 63, Wells et al. as modified by Alcorn et al. teaches further comprising receiving a first download acknowledgement message from the first gaming device and receiving a second download acknowledgement message from the second gaming device (see col. 3, lines 48-67 and col. 10, lines 18-28 of Wells et al.).

Regarding claim 64, Wells et al. as modified by Alcorn et al. teaches further comprising comparing gaming software transaction information in the first download acknowledgement message with gaming software transaction information in the second download acknowledgement message to validate that the gaming software has been correctly transferred (see col. 3, lines 48-67 and col. 10, lines 18-28 of Wells et al.).

Regarding claims 65, 104, and 122, Wells et al. as modified by Alcorn et al. teaches wherein the gaming software transaction information in the first download acknowledgement message includes at least a first digital signature determined for the gaming software and the gaming software transaction information in the second download acknowledgement message includes at least a second digital signature determined for the gaming machine (see col. 3, lines 48-67 and col. 10, lines 18-28 of Wells et al.).

Regarding claim 71, Wells et al. as modified by Alcorn et al. teaches further comprising receiving the gaming software from the first gaming device, validating the gaming software, and sending the gaming software to the second gaming device (see col. 10, lines 2-28 of Wells et al.).

Regarding claim 72, Wells et al. as modified by Alcorn et al. teaches further comprising determining a digital signature for the gaming software and comparing the digital signature with an approved digital signature for the gaming software stored in a database to validate the gaming software (see col. 10, lines 19-28 of Wells et al.).

Regarding claim 73, Wells et al. as modified by Alcorn et al. teaches further comprising storing gaming software transaction information indicating that a status of the download request (see col. 12, line 65 through col. 13, line 10 of Wells et al.).

Regarding claim 74, Wells et al. as modified by Alcorn et al. teaches wherein the status is at least one of authorized, pending, completed, and void (see col. 12, line 65 through col. 13, line 10 of Wells et al.).

Regarding claims 81-83 and 132, Wells et al. as modified by Alcorn et al. teaches wherein each gaming software transaction record includes gaming software transaction information that describes a [transfer/installation/usage] of gaming software from a first gaming device to a second gaming device (see col. 8, lines 36-51 of Wells et al.).

Regarding claim 85, Wells et al. as modified by Alcorn et al. teaches further comprising generating a gaming transaction report that presents the set of gaming software transaction requested by the gaming device (see col. 9, lines 44-55 of Wells et al.).

Regarding claims 86, 87 and 134, Wells et al. as modified by Alcorn et al. teaches further comprising generating a distribution of gaming software on a plurality of gaming machines at a specified time using the gaming software transaction information stored in the gaming software transaction database (see col. 9, lines 44-55 of Wells et al.).

Regarding claims 88-90 and 135, Wells et al. as modified by Alcorn et al. teaches further comprising generating a billing report, wherein a fee is based upon the number of times a game has been used, and the fee varies with time (see col. 1, lines 61-67 of Wells et al.).

Regarding claims 136 and 152-154, Wells et al. as modified by Alcorn et al. teaches a memory that stores gaming software, memory that stores public encryption keys, and a master gaming controller that controls a game of chance (see col. 3, lines 48-67 of Wells et al.).

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Brandon S. Hoffman whose telephone number is 571-272-3863. The examiner can normally be reached on M-F 8:30 - 5:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Nasser G. Moazzami can be reached on 571-272-4195. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

*Brandon S. Hoffman*

BH

**NASSER MOAZZAMI  
PRIMARY EXAMINER**

*[Signature]*  
8/9/06